S.B. CIVIL SECOND APPEAL NO.445/2007

SOHAN LAL VS. SHANTILAL & ANR.

DATE OF ORDER : 17.12.2007.

HON'BLE MR. PRAKASH TATIA, J.

Dr. Sachin Acharaya, for the appellant.

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Heard learned counsel for the appellant.

After going through the reasons given in the judgments and decrees of the two courts below dated 7th Nov., 2005 and 4th Oct., 2007, I do not find that any substantial questions of law are involved in this appeal. Hence, the appeal of the appellant deserves to be dismissed.

At this stage, learned counsel for the appellant submitted that two year's time may be granted for vacating the suit premises as the appellant-tenant is having business in the suit premises since long and he will have to make certain arrangements.

I do not find any reason to serve notice to the respondents-landlord only for this purpose.

Therefore, looking to the facts of the case it will be appropriate that the appellant may be granted at least on year's time, hence, it is ordered that in case, the appellant furnishes a written undertaking before the trial court within a period of one month from today that he shall hand over the vacant possession to the landlord by or before 31.12.2008 and shall not part with the possession or sublet the suit premises during this period and shall pay all the arrears of rent and decreetal amount, if due,

within a period of two months from today before the trial court or directly to the landlord, the decree under challenge shall not be executed till 1.1.2009. The appellant shall also deposit the rent month by month by 15th day of each succeeding month of his tenancy in the trial court.

In case of non-compliance of the order or default in payment of rent mentioned above, the decree shall become executable forthwith.

With the aforesaid concession, this appeal is dismissed.

Since the order has been passed ex-parte and without hearing to the respondent-landlord, therefore, it will be open for the respondent-landlord to approach this Court for vacating this order of grant of time, upon which, appropriate order may be passed by this Court.

(PRAKASH TATIA), J.

c.p.goyal/-